

Response to Amendment

Amendment received on 11/29/2007 is acknowledged and entered. Claims 3 and 11-16 have been withdrawn. Claim 4 has been canceled. Claims 1, 2, and 5-10 have been amended. Claims 1-3 and 5-16 are currently pending in the application.

Claim Rejections under 35 USC § 112, 101 and 35 USC § 103 have been withdrawn due to the applicant's amendment.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a personal interview with an Applicant's Representative James E. Oehlenschlager (Reg. No.: 50,164) on Tuesday, January 29, 2008.

The application has been amended as follows:

IN THE CLAIMS

1. (Previously Presented) A method for recommending a disposable absorbent incontinence article to be used by an incontinent person, comprising the steps of:
 - (a) providing a product recommendation device;

- (b) inputting information into the product recommendation device about incontinence devices which are currently used by the incontinent person and information about the situation which is experienced by the user;
- (c) processing the information using the product recommendation device;
- (d) providing output in the form of a selection of at least one disposable absorbent incontinence article from a database of predetermined disposable absorbent incontinence articles based on the information processed by the product recommendation device; and

wherein the step of inputting information comprises the step of indicating a question and a plurality of possible answers for selection and inputting one or more answers to the question.

2. (Previously Presented) The method of Claim 1, wherein the step for providing output in the form of a selection of at least one disposable absorbent incontinence article comprises a step of providing output in the form of a selection of a combination of two disposable absorbent incontinence articles, based on the information inputted, among the predetermined disposable absorbent incontinence articles.
3. (Currently Amended) The method of Claim 1, further comprising the steps of;
 - ~~(d)~~ (e) evaluating the quality of life of a caregiver who takes care of the incontinent person, and

(e) (f) repeating the steps (a), (b) and (c).

4. (Canceled)
5. (Previously Presented) The method of Claim 1, wherein the question for the information about the user's situation is on the ability of body action of the incontinent person.
6. (Currently Amended) The method of Claim 1, wherein the question for the information about the user's situation is on the ability of at least one of hand [//] and finger activity of the incontinent person.
7. (Previously Presented) The method of Claim 1, wherein the question for the information about the user's situation is on the content(s) of leakage of the incontinent person.
8. (Currently Amended) The method of Claim 1, wherein the question for the information about the user's situation is at least one of on the availability and ~~for~~ the quality of the caregiving.

9. (Previously Presented) The method of Claim 1, wherein the question for the information about the user's situation is on the amount of urine discharged by the incontinent person for a time period specified by the user.
10. (Previously Presented) The method of Claim 1, wherein the predetermined disposable absorbent incontinence articles include at least two articles which are selected from the group consisting of a disposable taped diaper, a disposable pull-on diaper, a disposable urine incontinence pad, a disposable flat pad, a disposable fecal collector pouch, and a disposable urine collector pouch.
11. (Canceled) A method for evaluating the quality of life of a caregiver who takes care of an incontinent person, comprising the steps of:
 - (a) receiving information about an average free time the caregiver can have within a day;
 - (b) receiving information about a degree of physical burden the caregiver has for taking care of the incontinent person;
 - (c) receiving information about a degree of mental burden the caregiver has for taking care of the incontinent person; and
 - (d) calculating a value of the quality of life based on the received information in accordance with a predetermined algorithm.

12. (Canceled) The method of Claim 11, wherein the step of receiving information comprises the step of indicating a question and a plurality of possible answers for selection.
13. (Canceled) The method of Claim 12, wherein the question for the information about an average free time is on how long, on average, the caregiver can be apart from the incontinent person within one day.
14. (Canceled) The method of Claim 12, wherein the question for the information about an average free time is on how long, on average, the caregiver can sleep continuously without being disturbed by the incontinent person within one day.
15. (Canceled) The method of Claim 12, wherein the question for the information about a degree of physical burden is on a physical fatigue the caregiver has.
16. (Canceled) The method of Claim 12, wherein the question for the information about a degree of mental burden is on an odor generated from the incontinent person, or a lack of confidence about the manner for taking care of the incontinent person.

Allowable Subject Matter

Claims 1-3 and 5-10 are allowed.

The following is an examiner's statement of reasons for allowance:

Applicant's arguments presented on pages 6-9 of the response filed on 11/29/2007 are deemed to be persuasive. For the reasons presented by Applicant, claims 1, 2 and 5-10 are deemed to be allowable over the prior art of record.

Rejoinder

Elected Invention Allowable, Rejoinder of Previously Withdrawn Claim.

Claim 1 is allowable. Claim 3, previously withdrawn from consideration as a result of a restriction requirement, includes all the limitations of the allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), the restriction requirement as set forth in the Office action mailed on 08/04/2006, is hereby withdrawn and claim 3 is hereby rejoined and fully examined for patentability under 37 CFR 1.104. Therefore, Claims 1-3 and 5-10 are allowed.

Pursuant to the procedures set forth in MPEP § 821.04(a), claims 11-16 stand withdrawn as not in required form.

The restriction requirement has been reconsidered in view of the allowability of claims to the elected invention pursuant MPEP § 821.04(a). The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim. Therefore, claims 11-16 are cancelled because do not require all the limitations of an allowable generic linking claim as required by 37 CFR 1.141.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 USC 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 821.01.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reason for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Igor N. Borissov/
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01/29/2008